

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF DELAWARE

LG DISPLAY CO., LTD.,

Plaintiff,

v.

CHI MEI OPTOELECTRONICS
CORPORATION; AU OPTRONICS
CORPORATION, AU OPTRONICS
CORPORATION OF AMERICA;
TATUNG COMPANY; TATUNG
COMPANY OF AMERICA, INC.; AND
VIEWSONIC CORPORATION,

Defendants.

Civil Action No. 06-726 (JJF)

AU OPTRONICS CORPORATION,

Plaintiff,

v.

LG DISPLAY CO., LTD and
LG DISPLAY AMERICA, INC.,

Defendants.

Civil Action No. 07-357 (JJF)

CONSOLIDATED CASES

**REPLY BRIEF OF CHI MEI OPTOELECTRONICS CORPORATION
IN SUPPORT OF ITS MOTION TO DISMISS FOR LACK OF PERSONAL
JURISDICTION AND INSUFFICIENCY OF SERVICE OF PROCESS**

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Dated April 14, 2008

In its Answering Brief, LG Display Co., Ltd (“LGD”) again attacks Chi Mei Optoelectronics Corporation (“CMO”) for properly filing a Motion to Dismiss for Lack of Personal Jurisdiction and Insufficient Service of Process in this case (D.I. 176). In addition to raising the same arguments regarding jurisdiction in response to CMO’s motion, LGD claims that there is no factual basis for CMO’s service of process argument.¹ LGD is wrong. All of the evidence showing that service of process was insufficient in Civil Action No. 07-357 is already in the record. (*See* D.I. 89 in Civil Action No. 07-357).

On July 5, 2007, CMO moved to dismiss the counterclaims asserted against CMO in Civil Action No. 07-357 (D.I. 89), for the same reasons set forth in CMO’s Motion to Dismiss (D.I. 19), Opening Brief in Support of Chi Mei Optoelectronics’ Motion to Dismiss for Lack of Personal Jurisdiction and Insufficiency of Service of Process (D.I. 20), the Declaration of Li-Yi Chen (D.I. 21) and the Declaration of Arthur P. Licygiewicz (D.I. 22), submitted in Civil Action No. 06-726.

As described in D.I. 89, after Civil Action No. 07-357 was transferred from the United States District Court for the Western District of Wisconsin, LGD answered the complaint of AU Optronics Corporation and raised patent infringement counterclaims against CMO and others. (D.I. 73 in Civil Action No. 07-357). On June 13, 2007, a summons was issued to CMO. LGD attempted to effect service upon CMO in Civil Action No. 07-357 by serving the Delaware Secretary of State and then sending a copy of the Summons and Counterclaim to CMO in Taiwan in the same way that it attempted to do so in Civil Action No. 06-726. (D.I. 76 in Civil Action No. 07-357) (*See* Ex. 1 to D.I. 22, Civil Action No. 06-726). As CMO first noted in its

¹ LGD’s opposition to CMO’s motion to dismiss for lack of personal jurisdiction is without merit for the same reasons previously raised by CMO. Thus, CMO incorporates herein by reference as if fully rewritten herein, its Reply Brief in Support of Chi Mei Optoelectronics Corporation’s Motion to Dismiss for Lack of Personal Jurisdiction and Insufficiency of Service of Process (D.I. 78).

Motion to Dismiss in Civil Action No. 06-726 (D.I. 19), such service is insufficient and fails to comply with the requirements of Fed. R. Civ. P. 4(f)(2)(C)(ii).

Nevertheless, LGD continued to ignore the Federal Rules of Civil Procedure and now claims that it properly served CMO with additional counterclaims in this case. LGD is wrong. CMO was not properly served or joined as a party in either Civil Action No. 06-726 or 07-357. As demonstrated in the Motions to Dismiss filed by CMO in Civil Action No. 06-726 (D.I. 19), as well as Civil Action No. 07-357 (D.I. 89), this Court lacks personal jurisdiction over CMO, and service of process upon CMO was insufficient because LGD failed to comply with the requirements of the Federal Rules of Civil Procedure. LGD, however, merely waves it hand at these arguments. Such hand waving and disregard for the Federal Rules should not be condoned by this Court. CMO's Motion to Dismiss should be granted.

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IN THE UNITED STATES DISTRICT COURT
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CERTIFICATE OF SERVICE

I, Philip A. Rovner, hereby certify that on April 14, 2008, the within document was filed with the Clerk of the Court using CM/ECF which will send notification of such filing(s) to the following; that the document was served on the following counsel as indicated; and that the document is available for viewing and downloading from CM/ECF.

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